



## **Town of Arlington Zoning Board of Appeals**

Meeting Minutes  
Tuesday, July 18, 2017  
7:45 PM

Present: Patrick Quinn, Chair, Christian Klein, Vice Chair, Suzanne Spinney, and Shawn O'Rourke

### **1. Docket #3532 70 Alpine Street**

The Petitioner Jason and Cris Martin, applied for a Special Permit under Section 6.08 (Large Additions in Residential Districts), of the Zoning Bylaw for the Town of Arlington, seeking permission to construct an addition to a single family dwelling located at 70 Alpine Street. The property is located in an R-1 zoning district and the lot upon which the building is located is 5,000 square feet. At the July 18, 2017 hearing, Petitioner Jason Martin appeared before the Board and was accompanied by their attorney Robert Annese and their architect Josh Fenollosa and described their proposal to add a 1092 square foot addition to the back of their home located at 70 Alpine Street. Mr. Annese stated on the outset of the meeting that they had a correction to the application. They had indicated in the forms submitted that they were looking for 2 parking spaces, but you are only grandfathered for one parking space. Their home was built in 1923 prior to when Zoning came into effect making it non-conforming in all aspects. The petitioners explained to the board that this addition will provide living space for their growing family. The addition is believed to be in harmony with the neighborhood and is not intrusive on any of the zoning setbacks and regulations. At the close of the Hearing, the Board voted to approve the Applicant's request for a Special Permit with respect to the provisions of Section 6.08 of the Arlington Zoning Bylaw.

SO VOTED: 4-0

### **2. Docket #3533 26 Tomahawk Road**

The Petitioner James Maher, applied for a Special Permit under Section 6.08 (Large Additions in Residential Districts), of the Zoning Bylaw for the Town of Arlington, seeking permission to construct an addition to a single family dwelling located at 26 Tomahawk Road. The property is located in an R-1 zoning district and the lot upon which the building is located is 9,934 square feet. At the July 18, 2017 hearing, Petitioner James Maher appeared before the Board and was accompanied by their attorney Robert Annese and their architect Tanya, where they described their proposal to add a 1817 square foot addition to the back of their home located at 26 Tomahawk Road. Mr. Annese stated that they had a correction to the revised plot plan, that in fact the driveway will actually be remaining the same width and they are not increasing it in any manner. Mr. Annese also stated that the house sits on a very large lot in the neighborhood, and the addition will provide living space for their growing family. The addition is believed to be in harmony with the neighborhood and would not be detrimental as the addition is going to be in the back of the home and be the same height as the existing home; they are going to leave the

front of the home as is. At the close of the Hearing, the Board voted to approve the Applicant's request for a Special Permit with respect to the provisions of Section 6.08 of the Arlington Zoning Bylaw

SO VOTED: 4-0

**3. Docket #3534 175 Pleasant Street**

The Petitioners Michal Ben-Josef Hirsch and Ron Hirsch applied for an "Appeal from the Decision of the Inspector of Buildings" in relation to the decision for 175 Pleasant Street, seeking a finding from the Zoning Board of Appeals in regards to the abutting property. At the July 18 hearing, Petitioners Michal Ben-Josef Hirsch and Ron Hirsch appeared before the Board and was accompanied by their attorney Bruce Fitzsimmons, Jr. described the reasoning for his hearing in regards to the abutting property located at 175 Pleasant Street. Mr. Fitzsimmons described his memo to the board where he stated that this lot of land used to be two parcels of land before becoming one sometime before 2007. It has frontage on 3 streets; Pleasant, Monadnock and Norfolk Road. He also supplied the board with the architectural plans filed with the Historic Districts Commission, where he describes the elevations of the proposed garage addition and how there is a completely new 2nd story addition. The minutes from the Arlington Historic Districts Commission state that they approved for the garage to be replaced on a slightly expanded footprint. Mr. Fitzsimmons states that the building inspector without authority under the zoning bylaw eliminated the concept of a rear yard, rear lot line or a rear setback. Mary Winstanley O'Connor spoke in favor of the homeowners at 175 Pleasant Street, she explains that this is not an appeal from the building permit but rather the appeal from the denial of a code violation, because the time has run for filing an appeal from the building permit. She states that the both the building inspectors have come to the conclusion that this is a "through lot". Ms. O'Connor stated that Mr. Fitzsimmons concept of a rear lot line that is indeed not correct. She explains that in respect to this property the interior lot line that abuts the applicants property was never a rear lot line, because it was only 12.8 feet; so it never constituted as a rear lot line it does not meet the 20 feet minimum definition, it also doesn't meet the 20% because 20% of the lot would be 14.5%, so at no point was it ever a rear lot line. Ms. Spinney states that she sees this lot as an existing non-conforming lot, and that it does not meet the setbacks for a corner lot, and that it is under the owners discursion to decide which is the rear and which is the side lot. She also confirms that the diagrams that are in the zoning bylaw are the only language where it talks about designation of a side and a rear lot. Ms. Spinney explained to the applicant that the owner could have extended the garage line to 2 1/2 stories by right, and chose not to. The Board finds that the petitioners request for the "Appeal of The Building Inspectors Decision" is hereby denied.

SO VOTED: 4-0

**4. Docket # 3535 77-79 Fairmont Street**

The Petitioner, LADS Realty Holdings, LLC applied for a special permit under Sec 9.02 (Extension and Alteration) of the Zoning Bylaw for the Town of Arlington seeking to renovate the existing basement into living space in a two family dwelling located at 77-79 Fairmont St. The property is located in an R-2 zoning district, and the lot upon which the building is located is 3,941 square feet. On July 18, 2017 the Petitioner LADS Realty Holdings, LLC appeared before the Board and was accompanied by their architect David Sisson. They briefly described the

proposal to renovate the existing two family home located on Fairmont Street. Mr. Sisson stated that they are doing an interior renovation where they plan to take the second floor and the attic which are both existing and make them one unit and take the first floor and the basement and make that the second unit. The basement existing is used as storage and are looking to turn it into a living area which will also include some mechanical space. With changing the basement into living space the proposed Gross Floor Area will be increased by 1199 square feet. The proposed renovation would remain within the existing foundation walls. Finishing the basement making it part of the first floor unit. The Board discussed that the existing and lot is non-conforming as regards to usable open space. Pursuant to the Zoning Bylaw, open space must be free of automotive traffic and parking and shall be deemed usable only if (1) at least 75 percent of the area has a grade of less than 8 percent and (2) no horizontal dimension is less than 25 feet. The existing usable open space on the property is 0%, because no portion of the yard has an open area that is 25' X 25'. The proposed basement renovation will not create any additional Usable Open Space, so the percentage remains at 0%. The Board did not believe the proposed basement renovation increased the nonconformance of the structure in question. At the close of the Hearing, the Board voted unanimously to grant the Petitioner a Special Permit.

SO VOTED: 4-0

**5. Docket #3536 17 Valentine Road**

The Petitioners Todd and Tania Hodgdon applied for a Special Permit under Section 6.19 Projections into Minimum Yards, of the Zoning Bylaw for the Town of Arlington, seeking permission to construct a farmers porch to the front of the house. The property is located in an R1 - Single Family District on a 3418 square foot lot. At the July 18 hearing, Petitioners Todd and Tania Hodgdon appeared before the Board and described their proposal to add a 5' x 21' farmers porch to the front right of their existing home. The applicants believe that the proposed porch is in harmony with the neighborhood as many of the houses on the street have similar porches. With adding the front porch it will decrease the front yard setback from 25 feet to 23 feet from the street. Mrs. Spinney noted that she recalls granting these permits in the past but under the condition they never enclose it to become a habitable room. The petitioners confirmed that they are just roofing the porch not making it a room. At the close of the Hearing, a motion was made and seconded and the Board voted unanimously to grant the Petitioner a Special Permit, with the following conditions.

SO VOTED: 4-0